

REMARKS/ARGUMENTS

In response to the Office Action dated August 24, 2004, please consider the following remarks.

In the Office Action issued August 24, 2004, claims 1, 13, and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Zitting et al., U.S. Patent No.6,584,148 (Zitting) in view of Dunn et al., U.S. Patent No.6,072,793 (Dunn). Claims 2-12, 14-24, and 26-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combined system (Zitting-Dunn) in view of the admitted prior art.

Claims 1-36 are now pending in this application. Claims 1, 13, and 25 have been amended to clarify the subject matter that the applicant considers to be the invention.

Each of the claims now pending in this application is believed to define an invention that is novel and unobvious over the prior art. Favorable reconsideration of this case is respectfully requested.

The present invention is not anticipated by, nor obvious in view of, the references relied upon in the Office Action, as these prior art references do not disclose or suggest the claimed features of the present invention.

The Applicant respectfully submits that the present invention according to claims 1, 13, and 25 is not obvious over the combination of Zitting and Dunn

because even if the combination of Zitting and Dunn were made as suggested by the Examiner, the result would still not be the present invention as claimed.

Zitting discloses a system for testing a communication path for digital subscriber line (DSL) signals includes a loop management device coupled in the communication path between a DSL access multiplexer (DSLAM) and a DSL modem located at a customer premises. The system also includes a remote test interface coupled in the communication path between the loop management device and the DSL modem. The loop management device and the remote test interface communicate using voice-band signals transmitted over the communication path and collaboratively test the communication path. The remote test interface may be located at customer premises and installed between central office and splitter. Alternatively, remote test interface may take the form of or may be incorporated in a portable, hand-held device that may be coupled to communication line anywhere between loop management device and a customer premises. The remote test interface includes the circuitry shown in Fig. 4, including a relay matrix 172. Relay matrix 172 couples communication line 42 to communication line 170.

Zitting does not disclose or suggest providing digital subscriber line service for a first subscriber via a CLEC any-to-any cross-connect switch connected to a CLEC digital subscriber line access multiplexer connected to a digital telecommunications network, the cross connect switch supplying a connection between data processing equipment of the first subscriber and the digital

subscriber line access multiplexer, the cross-connect switch connected between the digital subscriber line access multiplexer and a collocation arrangement demarcation in a central office, as required by the present invention, for example, as recited by claim 1. Neither the remote test interface, nor the relay matrix, disclosed by Zitting are the required CLEC any-to-any cross-connect switch. Furthermore, the Zitting does not disclose or suggest the remote test interface, or any device, connected between a CLEC digital subscriber line access multiplexer and a collocation arrangement demarcation in a central office, as required by the present invention.

Dunn discloses an electronically controlled main distributing frame (ECMDF) that switches a subscriber line from a telephone switch to a modem pool when the subscriber wishes to access the Internet, and which switches the subscriber line back to the telephone switch to provide normal telephone service when the subscriber is not on the Internet. Dunn discloses that the ECMDF uses a reed switch network, which is capable only of establishing temporary connections having long hold times, and which provides a bypass for temporary use. Dunn does not disclose or suggest providing digital subscriber line service for a first subscriber via a CLEC any-to-any cross-connect switch connected to a CLEC digital subscriber line access multiplexer connected to a digital telecommunications network, the cross connect switch supplying a connection between data processing equipment of the first subscriber and the digital

subscriber line access multiplexer, the cross-connect switch connected between the digital subscriber line access multiplexer and a collocation arrangement demarcation in a central office, as required by the present invention, as required by the present invention, for example, as recited by claim 1. The reed switch matrix disclosed by Dunn is not the required CLEC any-to-any cross-connect switch. Furthermore, Dunn does not disclose or suggest a cross-connect switch connected between the digital subscriber line access multiplexer and a collocation arrangement demarcation in a central office

Therefore, even if Zitting and Dunn were combined as suggested by the Examiner, the combination would still not disclose or suggest providing digital subscriber line service for a first subscriber via a CLEC any-to-any cross-connect switch connected to a CLEC digital subscriber line access multiplexer connected to a digital telecommunications network, the cross connect switch supplying a connection between data processing equipment of the first subscriber and the digital subscriber line access multiplexer, the cross-connect switch connected between the digital subscriber line access multiplexer and a collocation arrangement demarcation in a central office, as required by the present invention, for example, as recited by claim 1.

Thus, the present invention, according to claim 1, and according to claims 13 and 25, which are similar to claim 1, are not obvious over the combination of Zitting and Dunn.

The Applicant respectfully submits that the present invention according to claims 2-12, 14-24, and 26-36 is not obvious over the combination of Zitting and Dunn and admitted prior art because even if the combination suggested by the Examiner were made, the result would still not be the present invention as claimed.

The combination of Zitting and Dunn does not disclose or suggest providing digital subscriber line service for a first subscriber via a CLEC any-to-any cross-connect switch connected to a CLEC digital subscriber line access multiplexer connected to a digital telecommunications network, the cross connect switch supplying a connection between data processing equipment of the first subscriber and the digital subscriber line access multiplexer, the cross-connect switch connected between the digital subscriber line access multiplexer and a collocation arrangement demarcation in a central office, as required by the present invention, for example, as recited by claim 1. The present application discloses a test-access switch with limited cross-connect capability, and does not disclose or suggest using an any-to-any cross-connect switch. Thus, any admitted prior art does not cure this deficiency of the combination of Zitting and Dunn.

Thus, the present invention, according to claims 2-12, 14-24, and 26-36, are not obvious over the combination of Zitting and Dunn in view of the admitted prior art.

In view of the above, it is respectfully submitted that the present invention is allowable over the references relied upon in the Office Action. Accordingly, favorable reconsideration of this case and early issuance of the Notice of Allowance are respectfully requested.

Additional Fees:

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 19-5127 (19176.0006).

Conclusion

In view of the foregoing, all of the Examiner's rejections to the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all the claims remaining in the application. Should the Examiner feel further communication would facilitate prosecution, he is urged to call the undersigned at the phone number provided below.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael A. Schwartz", with a stylized flourish at the end.

Michael A. Schwartz
Reg. No. 40,161

Dated: November 3, 2004

Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
(202) 424-7500